

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTOINE HARRIS, *et al*,

Plaintiffs,

v.

DENISE GERTH, *et al*,

Defendants.

Case No. 08-12374

Robert H. Cleland
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

**ORDER GRANTING PLAINTIFF MASSEY'S SECOND
MOTION FOR RECONSIDERATION (Dkt. 102) AND GRANTING
APPLICATION TO PROCEED IN FORMA PAUPERIS (Dkt. 104)**

This is a prisoner civil rights action filed under 42 U.S.C. § 1983 by multiple plaintiffs who are in the custody of the Michigan Department of Corrections.

(Dkt.1) At the time they filed the complaint, plaintiffs did not pay the filing fee nor did he file an application to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a). On June 19, 2008, pursuant to 28 U.S.C.

§ 1915(a) District Judge Robert H. Cleland issued an Order allowing 30 days for each plaintiff to file a motion to proceed *in forma pauperis*, affidavit of indigency, and a certified copy of the prisoner's trust fund account statement for the preceding six months. (Dkt. 4) (June 19, 2008 Order). On August 6, 2008, Judge Cleland

issued an Order dismissing certain plaintiffs for failing to comply with the June 19, 2008 Order, including plaintiff Massey, and granting *in forma pauperis* status to the plaintiffs who complied with the June 19, 2008 Order. (Dkt. 36) (August 6, 2008 Order). This case was referred to the undersigned, for all pretrial proceedings, on August 14, 2008. (Dkt. 40).

On August 28, 2008, plaintiff Massey filed a motion for reconsideration of Judge Cleland's August 6, 2008 Order dismissing him from this case. (Dkt. 65). On September 5, 2008, the undersigned issued an order denying plaintiff's motion for reconsideration because the Court has no record of having received his motion to proceed *in forma pauperis* or any supporting documents. (Dkt. 78). Plaintiff has now filed another motion for reconsideration. (Dkt. 102). In the instant motion, plaintiff states that he gave the required paperwork to an employee at the prison facility in a timely manner. *Id.* Plaintiff also filed an *in forma pauperis* application, with his prisoner trust fund account statement. (Dkt. 104).

Having considered the present motion and the application for *in forma pauperis* status, plaintiff Massey's motion for reconsideration and application for proceed *in forma pauperis* are **GRANTED**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: October 15, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Christine M. Campbell, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

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s/James P. Peltier

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